

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	No. _____
)	
Plaintiff,	)	COUNT ONE:
	)	18 U.S.C. § 1623 (False
v.	)	Declaration before the Grand
	)	Jury)
WILLIAM F. WARIS,	)	NMT: 5 Years Imprisonment
[DOB: XX/XX/44],	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
Defendant.	)	Class D Felony
)	
	)	COUNT TWO:
	)	18 U.S.C. § 1503 (Obstruction of
	)	Justice)
	)	NMT: 10 Years Imprisonment
	)	NMT: \$250,000 Fine
	)	NMT: 3 Years Supervised Release
	)	Class C Felony
)	
	)	\$100 Mandatory Special Assessment
	)	(Each Count)

I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT ONE

1. On or about April 21, 2004, in the Western District of Missouri, WILLIAM F. WARIS, defendant herein, having duly taken an oath, before the Federal Grand Jury sitting in Kansas City, Missouri and impaneled on June 10, 2003, by the Honorable H. Dean Whipple, Chief United States District Judge, during an investigation authorized and undertaken by the Federal Grand Jury, that he would testify truthfully, did knowingly and contrary to his oath give false testimony regarding a material matter.

2. On or about the above date, in the Western District of Missouri, the above Federal Grand Jury was conducting an investigation to determine whether violations of Title 18, United States Code, Section 666 had been committed and to identify the persons who had committed, caused the commission of, and conspired to commit such violations. In this regard, it was material to the investigation to determine whether an official with the Jackson County government offered Catherine Nugent a Professional Services Contract in the amount of \$12,000.00, to conduct fund raising for the Fort Osage Historical Society, as an inducement for Daniel Nugent to withdraw his name from consideration for appointment to the Jackson County Sports Authority.

3. On or about the above date, defendant appeared as a witness before the above Federal Grand Jury, and then and there being under oath, testified falsely that he did not speak with Catherine Nugent about the Fort Osage Historical Society fund raising contract prior to the above offer from the Jackson County government official and further testified falsely that this official did not indicate that the fund raising offer was contingent upon Daniel Nugent withdrawing his name from consideration for appointment to the Jackson County Sports Authority. Specifically, with respect to the material matter

defendant testified falsely at various times before the federal grand jury as follows:

1. Q Let me go back a second. Prior to this conference call, the day before this conference call did you have a telephone conversation with Kathy Nugent about the Ft. Osage position?

A No, the day before this?

Q Or at any time --

A No.

Q -- before that conference call?

A I only had one conversation with her. That's when I went by her house.

Q So it's your testimony that you had no previous conversations with Kathy Nugent prior to the conference call in [a Jackson County official's] office?

A No, I didn't. I didn't. That's my testimony.

Q And you're sure of that?

A Yes.

2. Q Well, I guess the question, Mr. Waris, is did [he/she] offer that contract to lobby on behalf of Ft. Osage in exchange for Kathy Nugent's husband, Dan, withdrawing his name from consideration on the Sports Authority?

A Well, you know, I'm sure that [a Jackson County official] didn't want him on. You're asking me to speculate and you can speculate and say yes. But the thing that I would say is he wasn't going to make it anyway. I mean [he/she] doesn't have to do that, okay. That's my -- that's my thinking on it.

I would have -- my saying when I said to her, I'll come by and talk to you about it, I wanted to tell her, Kathy, Dan is not going to get on the Sports Authority. Here's an opportunity to make some

other service if you want it. She said no, she wanted Dan on there.

Did [a Jackson County official] say -- did I hear [a Jackson County official] say, He's got to back off of this, I cannot honestly say I heard that, okay. I just can't honestly say I heard that. Could [he/she] have said it, possibly, yes. Did [he/she] imply it? My thing is I think [he/she] wanted to help Tarwater out of a jam more than anything.

Q I'm not asking you to speculate. I'm asking you did [the Jackson County official] tell --

A No.

Q Let me finish my question. Did [the Jackson County official] tell Kathy Nugent that this Ft. Osage fund raising contract was linked in any way with Kathy Nugent's husband having to withdraw his name from consideration from the Sports Authority?

A You know, I cannot honestly say that I heard that, okay. But I think you know it all came about because of that obviously, you know, but I did not honestly hear [the Jackson County official] say that. If you're asking me to say that I couldn't say that [he/she] said that.

3. Q I guess then I'm not tracking with you. Seems to me common sense would dictate then if [the Jackson County official] were to call Kathy Nugent that there would be a reason for that call and a reason why [he/she] wanted her to take this Ft. Osage (contract). Does that make sense to you?

A Yeah, it does. It makes sense but are you asking me did [the Jackson County official] -- are you asking me to say that if [the Jackson County official] said to Kathy Nugent, I'm going to give you this contract but we don't want -- Dan can't be on the Sports Authority, I can't say as I said -- heard that.

Did Tarwater say that, I don't -- you know, obviously [he/she] knew, I mean there was some reason to do that. I mean you know there's obviously some reason but who said it, I mean I know I never said it and I know that, you know, Tarwater led into this. I

mean whether he said it or [he/she] said it, I mean I don't know if that was ever said. I really don't but obviously that was the reason the call was made or that would be one of the reasons, I suppose, yes.

4. Q I guess this is my question. Either somebody told her that this was linked or they didn't unless she can read their mind.

A I didn't that I know of, you know. I don't believe I told her that. I mean I told her very honestly that it wasn't going to happen.

Now obviously I mean would it have come up if it wasn't part of this, probably not, you're right. I mean that probably wouldn't have happened.

Did [the Jackson County official] say that on the phone, I can't honestly answer that. Did Dan Tarwater say that on the phone, I can't honestly answer that. Was it implied, I'm sure it was implied. I mean I'm sitting there, you're asking me to say did [the Jackson County official] say it or did Dan Tarwater say that. I never heard that. I can't say I heard that, okay.

5. Q But yet you don't remember anybody telling her that her husband had to withdraw his name even though she said, I'm not going to take this. I want my husband to get a shot on the Sports Authority?

A You know, I'm sure that was implied but did I hear [the Jackson County official] say that or did I hear Dan Tarwater say that, you know, I mean I'm sure that was the whole gist of the thing. Did I hear them say it, I can't say as I heard them say it. I just can't say that.

6. Q Let me take one more run at the conversation during the conference call.

Do you recall the conversation or do you recall Kathy Nugent saying, Let me understand this, this position at the Ft. -- words to this effect. This position at the Ft. Osage Historical Society, I will get this if my husband, or if Dan or words to that effect, withdraws his name for consideration and [the Jackson County official] saying, Yes?

A I cannot honestly say I recall that, okay. I can't say that I recall that.

7. A GRAND JUROR: So now you're not sure it was implied?

THE WITNESS: Well, I mean, I don't know if I said that. I'd like to go back and read that, but what I thought I said is, you know, that if -- what I thought I said was if she's getting this contract because he's not going to be on the Sports Authority, you know. He asked me did I hear that. I said, No, I never heard [him/her] say he couldn't be on the Sports Authority. I said, but I think it was probably that was implied most likely. That's how I think I answered that question.

Did I say something different than that?

8. Q Why didn't [he/she] just say, Here, here's this job at Ft. Osage, would you like that job?

A Well, I mean when you say implied and stated are two different things, okay. I never have said that I believed it was stated by anybody. It was implied, I'm sure it was implied and that's just my opinion, okay. I'm speculating on that as my opinion.

I know one thing, it was a case of Tarwater -- I mean when I say [he/she] wanted to help Tarwater out, I mean I know that that's got to be part of the situation because [he/she] wanted to make sure that he didn't get left on the hook out there.

4. The above sworn testimony of defendant as he then and there well knew and believed, was false in that defendant had spoken with Catherine Nugent concerning the Fort Osage Historical Society fund raising position prior to the above offer from the Jackson County government official and during that offer in October 2003, the official stated that the offer to Catherine Nugent to conduct fund raising for the Fort Osage Historical

Society was contingent upon Daniel Nugent removing his name from consideration for appointment to the Jackson County Sports Authority.

All in violation of Title 18, United States Code, Section 1623.

COUNT TWO

On or about April 21, 2004, in the Western District of Missouri, WILLIAM F. WARIS, defendant herein, did corruptly endeavor to influence, obstruct and impede the due administration of justice before the Federal Grand Jury sitting in Kansas City, Missouri and impaneled on June 10, 2003, by the Honorable H. Dean Whipple, Chief United States District Court Judge, during an investigation authorized and undertaken by the Federal Grand Jury, by testifying falsely that a Jackson County government official did not state to Catherine Nugent that the contract for her to conduct fund raising for the Fort Osage Historical Society was contingent upon Daniel Nugent withdrawing his name from consideration for appointment to the Jackson County Sports Authority and further testified falsely that he did not speak with Catherine Nugent about this contract prior to the offer from the Jackson County official.

All in violation of Title 18, United States Code, Section
1503.

A TRUE BILL.

Dated: _____

FOREPERSON OF THE GRAND JURY

William L. Meiners #28263
Assistant United States Attorney